

MEMO ENDORSED



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November 15, 2019

VIA ECF

Hon. Valerie E. Caproni
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Diggs v. City of New York, 17-CV-1127 (VEC)(HBP)

Dear Judge Caproni:

I am an Assistant Corporation Counsel assigned to defend the above referenced matter. Defendants submit this status letter to apprise the Court of the progress with discovery in this case, and to request that the Court so-order the attached proposed transfer order (which also directs the State facility at which Plaintiff is housed to timely enable Plaintiff to attend the conference before Your Honor currently scheduled for December 20, 2019 at 10:00 a.m.).

As noted in our October 1, 2019 submission (ECF No. 57), Defendants provided to Plaintiff documents Bates numbered Diggs_000001-001953, which included Plaintiff's Inmate Folder maintained by the New York City Department of Correction ("DOC") (through 2017) as well as medical records responsive to the releases that Plaintiff executed in late 2017.

Finally, as noted above, we enclose a proposed transfer order which is necessary for facilitating a deposition of the Plaintiff at the Sing Sing Facility.

- On October 25, 2019, Defendants served their First Set of Interrogatories and Document Requests to Plaintiff and await his responses.
- On November 13, 2019, Defendants mailed to Plaintiff updated medical records Bates numbered Diggs_001954-003615.
- On November 15, 2019, we mailed to Plaintiff 226 pages of additional documents obtained from DOC (through the end of his 2018 incarceration with DOC) which are Bates numbered Diggs_003616-003841.

- By letter dated September 20, 2019, we invited Plaintiff to convey a reasonable settlement demand, but have not yet received a response.

Finally, as noted above, we enclose a proposed transfer order which is necessary for facilitating a deposition of the Plaintiff at the Sing Sing Correctional Facility. Please note that the facility requires at least two weeks from the day they receive the original order to prepare for the inmate's transfer.

Respectfully submitted,

/s/

Martin Bowe
Assistant Corporation Counsel

cc: Lonnie Diggs 18A-26-290
Franklin Correctional Facility
NYSID: 05303918Y
60 Bare Hill Road
P.O. Box 10
Malone, NY 12953

The conference currently scheduled for **December 20, 2019 at 10:00 a.m.** will be held before Magistrate Judge Cave on **December 20, 2019 at 3:00 p.m.**

SO ORDERED.



11/18/2019

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
LONNIE DIGGS,

Plaintiff,

-against-

ORDER

CITY OF NEW YORK, *et al.*,

17-cv-1127 (VEC)(SLC)

Defendants.
----- X

Honorable Valerie E. Caproni
United States District Judge:

Upon the application of Defendants for leave to take the deposition of Plaintiff Lonnie Diggs, an inmate, and the Court having granted leave for the taking of plaintiff's deposition pursuant to Rule 30(a)(2)(B) of the Federal Rules of Civil Procedure:

IT IS HEREBY ORDERED that the Superintendent or other official in charge of the Franklin Correctional Facility transfer inmate Lonnie Diggs, 18A-26-290, NYSID # 05303918Y, from the Franklin Correctional Facility, located in Malone, New York, to Sing Sing Correctional Facility, located in Ossining, New York, before or by **December 6, 2018**;

IT IS FURTHER ORDERED that the Superintendent or other official in charge of Sing Sing Correctional Facility produce inmate Lonnie Diggs, within the facility for the taking of his deposition on **December 5 and December 6, 2018, commencing at 10:00 a.m.**, and for so long thereafter as the deposition continues;

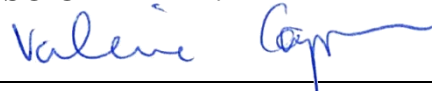
IT IS FURTHER ORDERED that plaintiff Lonnie Diggs appear in such place as designated by the Superintendent or other official in charge of Sing Sing Correctional Facility so that his deposition may be taken; and

IT IS FURTHER ORDERED that also present at the deposition will be a court reporter and/or videographer to be designated by Defendants, with the equipment necessary to transcribe the testimony; the attorneys for Defendants, with the equipment necessary for the deposition, including a laptop and CD-ROMs; and any attorneys of record for Plaintiff.

IT IS FURTHER ORDERED that in the event the Court holds the conference currently scheduled for December 20, 2019 at 10:00 a.m., the Superintendent or other official in charge of the Franklin Correctional Facility (or any other Superintendent of any State Correctional facility at which Plaintiff might be housed on that date and time) will facilitate Plaintiff's timely attendance by telephone at that conference.

Dated: 11/15/2019
New York, New York

SO ORDERED.



HONORABLE VALERIE E. CAPRONI
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
LONNIE DIGGS,

Plaintiff,

-against-

CITY OF NEW YORK, *et al.*,

Defendants.
----- X

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No. 17 Civ. 1127 (VEC)(SLC)

MARTIN BOWE, declares under the penalties of perjury pursuant to 28 U.S.C.

§ 1746, that the following is true and correct:

That on November 15, 2019, I served the following documents on Plaintiff Lonnie Diggs (DIN: 18-A-2629, NYSID: 05303918Y) Franklin Correctional Facility, 62 Bare Hill Road, P.O. Box 10, Malone, New York 12953-0010, being the address within the State theretofore designated for that purpose, by causing a true copy of the same, enclosed in a properly addressed, securely sealed, prepaid wrapper to be deposited in a post office box situated in the Borough of Manhattan, City of New York, regularly maintained by the Government of the United States in said City:

1. Letter to the Honorable Valerie E. Caproni dated November 15, 2019; and
3. Declaration of service dated November 15, 2019.

Dated: New York, New York
November 15, 2019

/s/

Martin Bowe